

**REMARKS**

This application was originally filed on 31 December 2001 with twenty three claims, one of which was written in independent form. No claims have been allowed.

Claims 1-23 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,335,224 to Peterson *et al.* ("Peterson"). The applicant respectfully disagrees.

Claim 1 recites, "overcoating said micromechanical structures with a protective layer; overcoating said protective layer with a brittle layer; and sawing said brittle layer and said protective layer."

With respect to the rejection of Claim 1 as anticipated by Peterson, the Examiner stated, "overcoating said micromechanical structures with a protective layer 14; overcoating said protective layer with a brittle layer (col. 8, lines 65-67) to protect the substrate 10; and sawing said brittle layer and said protective layer (col. 8, lines 55-60) . . . ."

The Examiner clearly is misinterpreting Peterson. Peterson states, "Alternatively, protective coating 14 could be patterned in a manner to exclude coating 14 from the wafer saw streets (e.g. lines were the saw cuts along), prior to saw cutting. This would be desirable to avoid contaminating the dicing saw with unwanted debris (e.g. organic debris) generated by cutting of coating 14. Exclusion of coating 14 from the wafer saw streets can be accomplished by masking during deposition of the coating" (column 8, lines 60-67).

Therefore, instead of showing, or teaching, or suggesting "overcoating said protective layer with a brittle layer" as recited by Claim 1, Peterson is suggesting excluding the coating from the saw streets.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference.' *Verdegaal Bros. v. Union Oil Co. Of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053, (Fed. Cir. 1987). . . . 'The identical invention must be shown in as complete detail as contained in the . . . claim.' *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as in the claim under review . . . . *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990)."

The Examiner stated, "it is noted that the protecting layer and the brittle layer have

equivalent functions as the coating and masking layers. Thus, Peterson meets the language of claim 1, as claimed, thereby providing all of the limitations of the present invention." This statement is plain error and fails to address the requirements of anticipation.

As Peterson clearly fails to anticipate the limitations recited by Claim 1, the Examiner's rejection is unsupported by the prior art, fails to establish a prima facie case of anticipation, and therefore should be withdrawn.

Claims 2-23 depend from Claim 1 and should be deemed allowable for that reason and on their own merits. For the reasons stated above with respect to Claim 1, Peterson does not show, teach, or suggest the limitations of Claim 1, much less the limitations of Claim 1 in combination with the additional limitations of dependent Claims 2-23.

In view of the amendments and the remarks presented herewith, it is believed that the claims currently in the application accord with the requirements of 35 U.S.C. § 112 and are allowable over the prior art of record. Therefore, it is urged that the pending claims are in condition for allowance. Reconsideration of the present application is respectfully requested.

Respectfully submitted,



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